

Municipal Clerk
Atlanta, Georgia

03-0-1377

UEZ-03-09

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO CREATE THE "BENT CREEK REDEVELOPMENT HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 2410 & 2446 CAMP-BELLTON ROAD, S.W.; 2002 WELLS DRIVE, S.W. REAR; 2060 & 2161 BENT CREEK WAY, S.W.; AND AN UNNUMBERED PARCEL ON BENT CREEK WAY, S.W.; AND FOR OTHER PURPOSES.

NPU "R"

COUNCIL DISTRICT 11

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

F-6

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Bent Creek Redevelopment Housing Enterprise Zone";

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Bent Creek Redevelopment Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Bent Creek Redevelopment Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Bent Creek Redevelopment Housing Enterprise Zone" is hereby created for the subject property at 2410 & 2446 Campbellton Road, SW; 2002 Wells Drive, SW Rear; 2060 & 2161 Bent Creek Way, SW; and an unnumbered parcel on Bent Creek Way, SW. The property contains approximately 30 acres of land and includes the following six parcel code numbers (PCNs): 14-0199-0004-040, located at 2410 Campbellton Road, SW; 14-0199-0004-041, located at 2446 Campbellton Road, SW; 14-0199-0004-043, located at 2002 Wells Drive, SW Rear; 14-0186-LL-090, located at 2060 Bent Creek Way, SW; 14-0186-LL-092, located at 2161 Bent Creek Way, SW; and 14-0186-LL-106, located at an unnumbered parcel on Bent Creek Way, SW. The effective date of all exemptions established therein shall be January 1, 2004. The "Bent Creek Redevelopment Housing Enterprise Zone" shall be abolished on December 31, 2013. The "Bent Creek Redevelopment Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Bent Creek Redevelopment Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Bent Creek Redevelopment Housing Enterprise Zone" shall be developed as a mixed-income residential community with 363 total units. This would include the rehabilitation of the existing Bent Creek Village Apartments, which contain 114 units; the construction of 182 new apartments; and the construction of 67 new for-sale townhouses. In accordance with the requirements for housing enterprise zones, 247 units (68 percent) of the total 363 housing units would be designated as "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

Section 4. The development of the "Bent Creek Redevelopment Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation, which are defined as follows, per City Code Section 146-52(2)b1: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. The "Bent Creek Redevelopment Housing Enterprise Zone" shall consist of 363 total units, of which 247 units (68 percent) would be designated as "affordable." This would include 1) the renovation of 114 units in the existing Bent Creek Village Apartments, of which 103 units

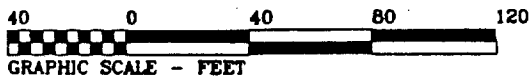
(90 percent) would be affordable; 2) the construction of 182 new apartment units, of which 131 units (72 percent) would be affordable; and 3) the construction of 67 new for-sale townhomes, of which 13 units (20 percent) would be affordable. The affordability breakdown by bedroom type would be as follows: 79 of the 97 one-bedroom units (81%); 133 of the 169 two-bedroom units (79%); and 28 of the 60 three-bedroom units (47%).

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Bent Creek Redevelopment Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

EXHIBIT "A"

FIVE LEGAL DESCRIPTIONS FOR SIX PARCELS



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PCN: 14-0199-0004-040

Legal Description

Tract Two

All that tract or parcel of land lying and being in land Lot 199 of the 14th District of County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the southerly right of way of Campbellton Road (Variable R/W) and the westerly right of way of Bent Creek Way (50' R/W); thence along said right of way of Bent Creek Way and running South 02° 27' 22" West a distance of 546.27 feet to a point; thence leaving said right of way of Bent Creek Way and running North 88° 15' 22" West a distance of 176.00 feet to a point; thence North 02° 27' 22" East a distance of 425.63 feet to a point on the southerly right of way of aforementioned Campbellton Road; thence along said right of way and running North 57° 32' 34" East a distance of 214.61 feet to the POINT OF BEGINNING. Said tract containing 1.963 acres.

PCN: 14-0199-0004-041

Legal Description

Tract One

All that tract or parcel of land lying and being in land Lot 199 of the 14th District of County, Georgia and being more particularly described as follows:

To reach the true point of beginning commence at a point being the intersection of the southerly right of way of Campbellton Road (Variable R/W) and the westerly right of way of Bent Creek Way (50' R/W); thence along said right of way of Campbellton Road and running South 57° 32' 34" West a distance of 214.61 feet to the TRUE POINT OF BEGINNING, from point thus established and leaving said right of way of Campbellton road and running South 02° 27' 22" West a distance of 425.63 feet to a point; thence North 88° 15' 22" West a distance of 110.26 feet to a point; thence North 88° 15' 25" West a distance of 99.83 feet to a point; thence North 02° 27' 22" East a distance of 302.02 feet to a point on the southerly right of way of aforementioned Campbellton Road; thence along said right of way the following bearings and distances: along a curve to the left an arc distance of 155.71 feet (said curve having a radius of 722.15 feet; a chord distance of 155.40 feet and a chord bearing of North 63° 43' 11" East) to a point; thence North 57° 32' 34" East a distance of 90.00 feet to the true POINT OF BEGINNING. Said tract containing 1.727 acres.

0E2-0301
Exhibit "A", Continued

Legal Description - Tract I PCN: 14-0186-LL106

All that tract or parcel of land lying and being in Land Lot 186 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning commence at a ½" rebar found at the intersection of the southerly right of way of Campbellton Road (30' from centerline) and the easterly right of way of Bent Creek Way (50' R/W); thence along said right of way of Bent Creek Way and running South 02° 27' 22" West a distance of 530.37 feet to a 1" crimp top found and the TRUE POINT OF BEGINNING, from point thus established and leaving said right of way of Bent Creek Way and running South 87° 42' 00" East a distance of 446.01 feet to a 1" open top found; thence South 04° 24' 15" West a distance of 29.94 feet to a 1" open top found; thence South 12° 50' 04" West a distance of 473.59 feet to a 1 ½" crimp top found; thence South 08° 56' 24" East a distance of 76.17 feet to a railroad spike found on the northerly right of way of aforementioned Bent Creek Way; thence along said right of way the following bearings and distances: North 65° 23' 39" West a distance of 287.12 feet to a point; thence along a curve to the right an arc distance of 205.64 feet (said curve having a radius of 173.88 feet; a chord distance of 193.87 feet and a chord bearing of North 31° 30' 33" West) to a point; thence North 02° 21' 50" East a distance of 300.18 feet to the true POINT OF BEGINNING. Said tract containing 4.517 acres

Legal Description - Tract II PCNs: 14-0186-LL090 & 14-0199-0004-043
All that tract or parcel of land lying and being in Land Lots 186 and 199 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning commence at a ½" rebar found at the intersection of the southerly right of way of Campbellton Road (30' from centerline) and the easterly right of way of Bent Creek Way (50' R/W); thence along said right of way of Bent Creek Way and running South 02° 27' 22" West a distance of 530.37 feet to a 1" crimp top found; thence leaving said easterly right of way and running South 51° 50' 23" West a distance of 65.79 feet to a ½" rebar found on the westerly right of way of said Bent Creek Way and the TRUE POINT OF BEGINNING, from point thus established and continuing along said right of way the following bearings and distances: South 02° 21' 45" West a distance of 257.43 feet to a point; thence along a curve to the left an arc distance of 264.78 feet (said curve having a radius of 223.88 feet; a chord distance of 249.61 feet and a chord bearing of South 31° 30' 33" East) to a point; thence South 65° 23' 39" East a distance of 299.05 feet to a point; thence along a curve to the left an arc distance of 55.20 feet (said curve having a radius of 60.00 feet; a chord distance of 53.28 feet and a chord bearing of South 27° 33' 23" East) to a ½" rebar, thence leaving said right of way of Bent Creek Way and running South 09° 02' 47" East a distance of 966.30 feet to point; thence North 85° 14' 51" West a distance of 177.01 feet to a point on the northerly right of way of Lakewood Freeway (Variable R/W); thence along said right of way the following bearings and distances: North 67° 32' 23" West a distance of 459.02 feet to a point; thence North 82° 43' 15" West a distance of 10.18 feet to a point; thence leaving said right of way of Lakewood Freeway and running North 02° 24' 35" East a

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Exhibit "A", Continued

distance of 854.53 feet to a 1" crimp top pipe found; thence North 44° 27' 25" West a distance of 357.15 feet to a ½" rebar found; thence North 05° 32' 07" West a distance of 306.16 feet to a 1" pipe found; thence South 88° 15' 22" East a distance of 286.26 feet to the true POINT OF BEGINNING. Said tract containing 14.271 acres.

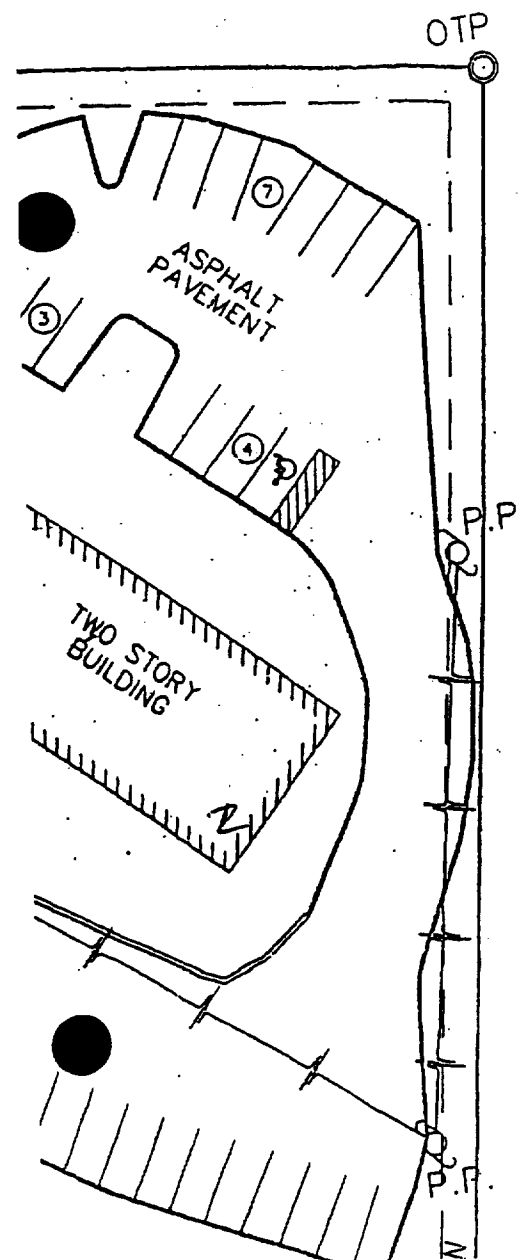
SEWER CLEAN OUT
DRAINAGE JUNCTION BOX
CATCH BASIN
REINFORCED CONCRETE PIPE
CORRUGATED METAL PIPE
CURB INLET
CAST IRON
EXISTING FIRE HYDRANT
BACK OF CURB
BUILDING SET BACK LINE
MONUMENT
SANITARY SEWER EASEMENT
LINE CHART NUMBERS
LAND LOT NUMBER
GRAVEL
WOOD DECKING
CONCRETE (CONC.)
100 YR. BASE FLOOD ELEV.

Exhibit "A", Continued

LEGAL DESCRIPTION PCN: 14-0186-LL-092

All that tract or parcel of land lying and being in Land Lot 186 of the 14th District, Fulton County, Georgia, and being fully described as follows:

Beginning at an iron pin found at the northeast side of Bent Creek Way (60 foot right-of-way) 1311.2 feet southerly and southwesterly of Bent Creek Way and the southeasterly side of Campbellton Road; thence running North 10 degrees 09 minutes 00 seconds West, a distance of 76.09 feet to a half-inch rebar found; thence running North 11 degrees 37 minutes 54 seconds East, a distance of 471.76 feet to an iron pin found; thence running South 87 degrees 39 minutes 25 seconds East, a distance of 942.29 feet to a 5/8" opened top found; thence running South 00 degrees 21 minutes 22 seconds West, a distance of 387.81 feet to a one-inch opened top found; thence running North 87 degrees 12 minutes 01 seconds West, a distance of 328.82 feet to a manhole found; thence running North 81 degrees 59 minutes 53 seconds West, a distance of 228.94 feet to a manhole found; thence running South 19 degrees 04 minutes 07 seconds West, a distance of 193.62 feet to a manhole found; thence running South 87 degrees 27 minutes 14 seconds West, a distance of 290.20 feet to an iron pin placed on the curvature of the cul-de-sac at the westerly terminus of said Bent Creek Way; thence running an arc distance of 107.85 feet along said curvature with a chord of North 59 degrees 45 minutes 51 seconds West and a chord distance of 93.90 feet to a point; thence running an arc distance of 25.75 feet along said curvature with a chord of South 56 degrees 26 minutes 54 seconds West and a chord distance of 25.55 feet to an iron pin found; thence running North 67 degrees 35 minutes 40 seconds West, a distance of 10.90 feet to the point of beginning. Said tract contains 10.290 Acres according to Plat of Survey by A.S. Giometti & Associates, Inc. dated 02/05/03.



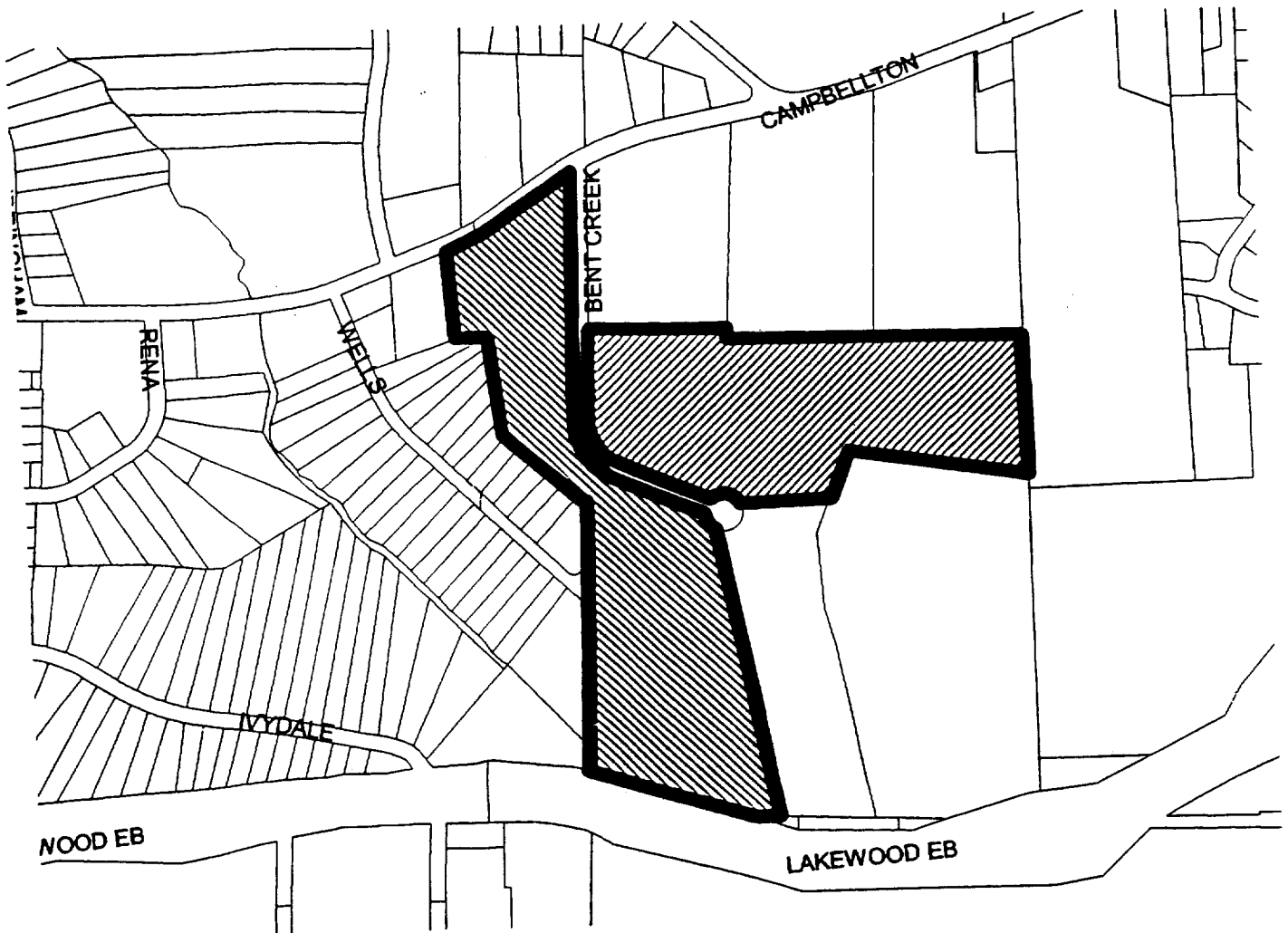
PROPOSED " BENT CREEK REDEVELOPMENT HOUSING ENTERPRISE ZONE"

2410 & 2446 CAMPBELTON ROAD ,SW;

2002 WELLS DRIVE, SW REAR;

2060 & 2161 BENT CREEK WAY , SW; AND

AN UN - NUMBERED PARCEL ON BENT CREEK WAY, SW, DISTRICT 14, LAND LOTS 186 & 199
COUNCIL DISTRICT 11, NPU " R "



UEZ - 03 - 09

— Npu-r-streets.
□ Npu-r-parcels



PROJECT CHECKLIST FOR UEZ-03-09:

Proposed "Bent Creek Redevelopment Housing Enterprise Zone"

**To be Located at 2410 & 2446 Campbellton Road, SW; 2002 Wells Drive, SW Rear;
2060 & 2161 Bent Creek Way, SW; and an unnumbered parcel on Bent Creek Way, SW**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 36.2% for Census Block Group 2 of Census Tract 76.01 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Tract 76.01 has an unemployment rate of 10.4%, which is more than 10% higher than the State Average of 5.1%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ compared to the police zone; OR (2) (3) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 406 has a crime rate of 109% of the crime rate of police zone 4, thus the high crime requirement is met. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "R" had 0% of development activity within the City for residential development, which exceeds the requirement of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains approximately 30 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Single-Family Residential" and "Medium-Density Residential." Allowed F.A.R.: N/A for Single-Family Residential/0.350-0.699 for Medium-Density Residential. A CDP land use amendment is required.	Proposed FAR: 0.261. A CDP land use amendment is required. Applicant applied for this on August 12, 2003 as part of a rezoning application (Z-03-54).	To be determined.
4. Zoning Compliance	Zoned "R-4" (Single-Family Residential) and "RG-3" (Residential-General—Sector 3).	A rezoning of the R-4 portion of the property is required. Applicant submitted a rezoning application on August 12, 2003 (Z-03-54).	To be determined.
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Applicant certifies that construction of at least 30% of the total (109 units) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that no residents currently occupy the site. Previous residents of the Bent Creek Village Apartments were relocated by the previous property owner. Applicant will obtain a copy of the relocation plan.	To be determined.
8. Affordability	Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 363 total units, of which 247 units (68 percent) would be designated as "affordable." This would include 1) the renovation of 114 units in the existing Bent Creek Village Apartments, of which 103 units (90 percent) would be affordable; 2) the construction of 182 new apartment units, of which 131 units (72 percent) would be affordable; and 3) the construction of 67 new for-sale townhomes, of which 13 units (20 percent) would be af-	√

		fordable. The affordability breakdown by bedroom type would be as follows: 79 of the 97 one-bedroom units (81%); 133 of the 169 two-bedroom units (79%); and 28 of the 60 three-bedroom units (47%).	
CRITERION	REQUIRED	PROPOSED	COMPLIANCE
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Applicant certifies compliance.	√
10. Job Creation	First Source Jobs Policy	Applicant certifies compliance. Would create 11 fulltime, permanent new jobs.	√
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	Proposed development project would have a negative cash flow and/or a debt coverage ratio of <1.20.	To be determined.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgen
(For review & distribution to Executive Management)

Commissioner Signature [Signature]
Department of Planning and
Community Development

Director Signature [Signature]
Bureau of Planning

From: Originating Dept. Department of Planning and Community
Development; Bureau of Planning

Contact (name): Sara Wade Hicks,
Assistant Director—Ext. 6728

Committee of Purview: Community Development /Human Resources

Committee Meeting Dates: September 29, 2003 public hearing; Committee Deadline: 8/22/03
September 9 & 30, 2003 CD/HR Committee; City Council Meeting Date: 9/15/03
10/6/03

CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE "BENT CREEK REDEVELOPMENT HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 2410 & 2446 CAMPBELLTON ROAD, S.W.; 2002 WELLS DRIVE, S.W. REAR; 2060 & 2161 BENT CREEK WAY, S.W.; AND AN UNNUMBERED PARCEL ON BENT CREEK WAY, S.W.; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The applicant, Lane Company Investment and Development Corporation (formerly Realty Development Corporation), proposes to create the "Bent Creek Redevelopment Housing Enterprise Zone" for the purpose of allowing the construction of a mixed-income residential community with 363 total housing units. In accordance with the requirements for housing enterprise zones, 247 units (68 percent) of the total 363 housing units would be designated as "affordable", which would exceed the required minimum of 20 percent.

The subject property is located in NPU "R", Council District 11. If the proposed development project is constructed, it would further the City's policies of encouraging housing rehabilitation and new affordable housing development. The estimated total project development cost is \$33 million. Financing would be provided by low-income housing tax credit equity, bond financing from Boze Capital, debt underwriting from PNC Multifamily Capital, and tax credit equity from Key Bank Real Estate Capital.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed urban enterprise zone.

Mayor's Staff Only:

Received by Mayor's Office: 8/19/03 (Date) Reviewed: [Signature] (Initials) (Date)

Submitted to Council: _____
(Date)

Action by Committee:

☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other